

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

NATHAN H. DALTON	:	CASE NO. 3:9 CV 001863
	:	
	Petitioner,	:
	:	
-vs-	:	<u>ORDER ADOPTING REPORT AND</u>
	:	<u>RECOMMENDATION AND</u>
	:	<u>DISMISSING THE PETITION WITHOUT</u>
STUART HUDSON, Warden,	:	<u>FURTHER PROCEEDINGS</u>
	Respondent.	:
	:	

UNITED STATES DISTRICT JUDGE LESLEY WELLS

Proceeding pro se, plaintiff Nathan Dalton, ("Mr. Dalton") brings a habeas corpus petition, pursuant to 28 U.S.C. § 2254, challenging the constitutionality of his conviction on two grounds. (Docket No. 1). This matter was automatically referred to United States Magistrate Judge James S. Gallas for a Report and Recommendation ("R&R") pursuant to Local Civil Rule 72.2(b)(2). (Docket No. 4). In his R&R, Magistrate Judge Gallas finds the pro se petitioner's claims procedurally barred as untimely. (Doc. 12). Accordingly, he recommends this Court dismiss the petition without further proceedings and recommends denying Petitioner's motion for appointment of counsel.

No party has objected to the Magistrate Judge's R&R. Therefore, this Court will presume the parties are satisfied with the determination. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources.

Thomas v. Arn, 474 U.S. 140 (1985); Howard v. Secretary of Health and Human

Services, 932 F.2d 505 (6th Cir. 1991); United States v. Walters, 638 F.2d 947 (6th Cir. 1981).

Accordingly, the Magistrate Judge's R&R is adopted. Mr. Dalton's petition will be dismissed without further proceedings and his motion for appointment of counsel will be denied.

IT IS SO ORDERED.

/s/Lesley Wells
UNITED STATES DISTRICT JUDGE

Date: 17 August 2010